R E P O R T R E S U M E S

ED 013 135 RC 000 838

QUESTIONS REGARDING AMERICAN INDIAN CRIMINALITY.

BY- STEWART, OMER C.

PUB DATE 61

EDRS PRICE MF-$0.25 HC-$0.64 16P.

DESCRIPTORS- *AMERICAN INDIANS, *CRIME, NEGROES, *ALCOHOLISM, LAW ENFORCEMENT, WASHINGTON D.C., SOUTH DAKOTA, GALLUP NEW MEXICO, DENVER COLORADO, BUREAU OF INDIAN AFFAIRS, APACHE, NAVAJO, PHOENIX ARIZONA

FOR THE PURPOSE OF THIS DOCUMENT, AMERICAN INDIAN MEANS A SOCIAL-LEGAL GROUP. THE STATISTICS WERE OBTAINED FROM FEDERAL, STATE, AND LOCAL GOVERNMENT SOURCES. IN 1960, THERE WERE OVER 70,000 INDIAN ARRESTS OUT OF FOUR MILLION ARRESTS REPORTED TO THE F.B.I. THE PER CAPITA AMERICAN INDIAN CRIMINALITY IS NEARLY SEVEN TIMES THE NATIONAL AVERAGE, NEARLY THREE TIMES THAT OF NEGROES AND NEARLY EIGHT TIMES THAT OF WHITES. OVER SEVENTY PERCENT OF THE INDIAN ARRESTS WERE ATTRIBUTED TO DRUNKENNESS, WHICH IS NEARLY TWELVE TIMES THE NATIONAL AVERAGE, NEARLY FIVE TIMES THAT OF NEGROES, AND NEARLY THIRTEEN TIMES THAT OF ORIENTALS (CHINESE AND JAPANESE). ARRESTS FOR ALL SUSPECTED CRIMES IN THE UNITED STATES WERE FOUR TIMES HIGHER IN URBAN AREAS THAN IN RURAL AREAS, BUT INDIAN ARRESTS WERE OVER TWENTY-THREE TIMES HIGHER IN URBAN AREAS THAN RURAL AREAS. INDIAN ARRESTS FOR ALCOHOL-CONNECTED CRIMES WERE NEARLY THIRTY-SEVEN TIMES AS GREAT AS WHITES, AND NEARLY FIFTEEN TIMES GREATER THAN COMPARABLE RATES FOR NEGROES. THE AUTHOR QUESTIONS WHETHER GROSS STATISTICS GIVE AN ACCURATE PICTURE OF THE AMOUNT OF INDIAN CRIMINALITY AND SUGGESTS AN INTENSIVE ANALYSIS OF LOCAL CONDITIONS WHICH MIGHT IDENTIFY FACTORS CONTRIBUTING TO INDIAN DELINQUENCY. THE LAWS, AND THEIR RECENT CHANGES, CONCERNING ALCOHOL AND INDIANS ARE DISCUSSED. INCLUDED ARE CHARTS COMPARING ARREST STATISTICS TO AGE, TRIBE, SEX, TYPES OF CRIMES, RACES, AND ETHNIC GROUPS. (JH)

ED013135

QUESTIONS REGARDING AMERICAN INDIAN CRIMINALITY

By Omer C. Stewart

For purposes of this paper, American Indian means a social-legal, not a biolgical group. This specification is necessary because many of the people enjoying legal privileges of American Indians are, in fact, biologically part Negro or part Caucasian. The extremely large portion of individuals with mixed ancestry among the Indians indicates that hereditary racial factors are too complex to explain Indian behavior. Although American Indians were originally all classified anthropometrically as Mongoloid, centuries of miscegenation have produced a genetically mixed population. Notwithstanding their biological hybridization, about 524,000 individuals were classified as Indian on the 1960 United States Census. The practical advantages of being listed officially on tribal rolls are such that nearly all who can qualify are anxious to maintain their legal status as Indian.

In most reports of crimes, Indians are not considered of sufficient importance numerically to be placed in a separate category, and they become lost among "Other Races" in tables which arrange crime statistics by race. Indians are identified on some of the tables of the Department of Justice's annual Uniform Crime Reports; however for any year, they constitute a relatively small part of the national total. In 1960, for example, of the nearly four million arrests reported to the FBI, only about eighty thousand were of Indians. Nowhere in this annual summary of total criminal activity for the nation could I find calculated the rate of Indian arrests per 100,000 population. It is not easy to see the relative size of American Indian Criminality by comparing total arrests, as reported for 1960: White - 2,600,000; Negro - 1,100,000; Indian - 80,000. (Table I).

When a table is prepared showing the rate per 100,000 population, however, the amount of Indian criminality relative to population size seems to be exceptionally large. Table 2 shows that, for the nation as a whole, the rate of Indian criminality is nearly seven times that of the national average. Nationally the Indian rate for all types of arrests is nearly three times that of Negroes and about eight times that of Whites.

An examination of the causes for arrests indicates the Indians are particularly vulnerable to arrest for drunkenness and other crimes involving alcohol. In fact, drunkenness alone accounted for 71 percent of all Indian arrests reported in 1960. The Indian arrests for all alcohol-related crimes is twelve times greater than the national average and over five times that of Negroes.

TABLE 1

Figures Used for Preparation of Rates Shown on Tables 1 & 2 (From U. S. Census Statistical Abstracts 1960 p. 30 Table 21 "Urban and Rural Population by Race")

	Total	Urban	Rural
Total	179,323,000	125,269,000	54,054,000
White	158,832,000	110,428,000	48,403,000
Negro	18,873,000	13,808,000	5,064,000
Indian	524,000	146,000	378,000
Japanese and Chinese	702,000	608,000	94,000

RC 000 838

(From Uniform Crime Reports--1960 FBI July 24, 1961 Table 20, p. 95 and Table 26, p. 101)

Rural Arrests

	Total	White	Negro	Indian	Chinese-Japanese
Total	368,615	308,589	50,201	7,584	152
Alcohol Connected	126,987	108,579	14,074	3,797	32

Urban Arrests
(cities 2,500 and over)

	Total	White	Negro	Indian	Chinese-Japanese
Total	3,498,926	2,320,635	1,064,814	71,662	7,630
Alcohol Connected	1,551,024	1,126,901	354,602	56,155	93

Table 2

Total Number of Arrests per 100,000 Population--1960
(Calculated from Uniform Crime Reports--1960
U. S. Census 1960)

	Total Arrests	Alcohol related	% of arrests	Others
Total population	2,157	936	43	1,221
White	1,655	778	47	877
Negro	5,908	1,954	33	3,954
Indian	15,123	11,441	76	3,682
Oriental (Chinese and Japanese)	1,111	272	24	839

(Note: Drunkenness alone accounts for 71 percent of all Indian arrests.)

If we consider the rate per 100,000 of all arrests for crimes not definitely connected with alcohol, the Indian rate is still high as compared to the national average, but is slightly less than the Negro rate for crimes not related to alcohol.

Table 2 also shows the percentage of total national arrests which are alcohol-connected and the same percentage for each ethnic group. Alcohol is connected with arrests of Indians thirteen times as frequently as it is of Orientals (Chinese and Japanese) and over twice as often proportionately than of Negroes. Alcohol is connected with arrests of whites (47 percent) in a higher percentage of cases than of Negroes (33 percent), but less than of Indians (76 percent).

The FBI Uniform Crime Reports and the U. S. Census often divide the population between Urban (cities over 2,500) and Rural. Crime rates per 100,000 population by ethnic groups have been calculated according to urban or rural location of arrest. Table 3 is surprising

for a number of reasons. Arrests for all suspected crimes for the nation as a whole has a rate four times higher for urban centers than for rural areas, but for Indians the urban rate is twenty-four times that of the rural. Except for Indians, the rate of rural arrests for crimes not alcohol-connected is higher than the rural arrests for alcohol-connected crimes. For Indians in rural areas arrests for crimes connected with drinking equal

Table 3

Urban-Rural Differences in Number of Arrests per 100,000 Population--1960 (Calculated from Uniform Crime Reports--1960 U. S. Census 1960)

	Total Arrests		Alcohol Related		Others	
	Urban	Rural	Urban	Rural	Urban	Rural
Total Population	2,793	682	1,238	235	1,555	447
White	2,101	638	1,020	224	1,081	414
Negro	7,712	991	2,568	278	5,144	713
Indian	49,084	2,006	38,462	1,004	10,622	1,002
Oriental (Chinese and Japanese)	1,256	162	308	34	948	128

those not connected with drinking. It appears significant to me, however, that the arrests in rural areas for alcohol-connected crimes is at a rate approximately four times greater for Indians than the national rate or the Negro rate. More surprising is the difference in Indian rate of arrests for alcohol-related crimes between cities and countryside where the urban rate is thirty-eight times the rural rate per 100,000 population. The urban rate of Indian arrests for alcohol-connected offenses is about thirty-seven times as great as the white rate of alcohol-connected crimes. Furthermore, the Indian rate of urban arrests per 100,000 population for alcohol-connected crimes is fifteen times greater than the comparable rate for Negroes.

For offenses not related to use of alcohol, Indians in urban centers are arrested at a rate, per 100,000 population, over twice that of urban Negroes and at a rate six times that of the American population as a whole.

The question may arise whether such gross statistics as the national rates give an accurate picture of the amount of criminal activity among Indians, relative to population size, when compared to other segments of the population. A more intensive analysis of local conditions might reveal a more realistic picture. Unfortunately, there are few studies by local governmental units which provide the figures to compare rates and percentages. An exception is Report 37 of the Government Research Bureau of the State University of South Dakota, June, 1957, by W. O. Farber, Philip A. Odeen, and Robert A. Tschetter, entitled "Indians, Law Enforcement and Local Government".

The situation in South Dakota is succinctly stated in a quotation from a South Dakota state legislative report of 1955, cited on page 3:

> 1. The Indian population is approximately 5 percent of the state's total population.
> 2. . . . in the State Penitentiary, the population is approximately 34.3 percent Indian.
> 3. . . . in the State Training School . . . approximately 25 percent of the boys are Indians and approximately 50 percent of the girls are Indians.

Table 4 shows that the percentage of Indian arrests in Sisseton, South Dakota, for example, has risen from 55 percent of the total in 1947 to 80 percent in 1955. The percentage of Indians in the prison

Table 4
Municipal Arrests, Sisseton, S. D.

Year	Total Arrests	Indian Arrests	White Arrests	Percentage of Indian Arrests
1947	297	165	132	55
1948	312	177	135	56
1949	259	142	117	54
1950	260	135	125	51
1951	209	120	89	57
1952	253	155	98	61
1953	401	268	133	66
1954	271	211	60	77
1955	261	209	52	80

(From Table 4, p. 41 Farber, et al. "Indians, Law Enforcement and local Government", State University of South Dakota, 1957.)

population rose from 19.6 percent in 1952 to 34.1 percent in 1955 according to Table 5. Dr. Farber and associates explain the change in arrest rates as follows (p. 41):

> The number of Indian arrests has increased; however, they have declined slightly since 1953. Non Indian arrests have declined steadily in this same period. This is especially true since 1953. The recent decline in non-Indian arrests may be partially explained by the ceasing of arrests of non-Indians for illegally selling Indians liquor. This was a major problem in Sisseton prior to 1953.

Table 5
Indian Population, South Dakota Penitentiary 1952 - 1955, where Indians constitute 5% of total population of the State

Year	Total	Indians	Percentage
1952	442	87	19.6
1953	443	113	25.5
1954	447	141	31.3
1955	424	145	34.1

Note: "Crimes connected with the consumption of alcoholic beverages account for a majority of Indian arrests. In the municipalities surveyed in July of 1956, 92 percent of the arrests were for such offenses. Among the more serious crimes with which Indians are charged, theft and check violations predominate."

(From Table 5, p. 44 Farber, et al "Indians, Law Enforcement and Local Government, State University of South Dakota, 1957.

Farber's publication dealing with Indian criminality in South Dakota indicates that rates of arrest and conviction in that state are similar to the national average.

Two other reports describe Indian criminality. One is the published "Hearings before the Sub-committee to Investigate Juvenile Delinquency of the Committee on the Judiciary U. S. Senate,"84th Congress, 1st Session, March and April 1955. The short title is "Juvenile Delinquency (Indian)". G.P.O. 1955. At hearings held in Washington, D. C., Phoenix, Arizona, and Palm Springs, California, officials of the Bureau of Indian Affairs, as well as officials of various Indian tribal governments were questioned and submitted reports. Although scheduled as a study of Juvenile Delinquency, the sub-committee accepted and published the reports on adult Indian criminality when submitted.

Table 6 shows San Carlos tribal court convictions of Apache Indians for all crimes at a rate per 100,000 population to be almost ten times as large as the U.S. national average for all arrests and one-fourth larger

Table 6

Rates of Adult Criminal Court Cases--by Tribe
(Base Years Are 1953 and/or 1954)
(From Hearings on Indian Juvenile Delinquency . . . Senate Committee on the Judiciary--1955)

San Carlos Apache (tribal court convictions, 1954)
20,639 per 100,000 population (for one year)
74% were alcohol related
Superintendent estimates "at least 95%" as alcohol related

Jicarilla Apache (tribal court cases, 1953-1954)
4,730 per 100,000 population (for one year)
69% were alcohol related

Navaho (tribal court cases, July 8, 1953 through March, 1955)
5,708 per 100,000 population (for one year)
about 90% reported as alcohol related

than the national rate for Indian arrests. Both Jicarilla Apache and Navaho reported tribal court cases at rates more than double the national rates for arrests and more than double the Indian national rural rate for all tribes and all crimes as reported to the FBI. On the reservations as in the nation as a whole, alcohol was blamed for the majority of crimes.

Table 7 lists calculations from the 1955 "Senate Juvenile Delinquency Hearings" regarding juveniles (6 to 18 years) for the two Apache tribes above, the Navaho and the Utes of Southern Colorado. Again the rates calculated for 100,000 juveniles for Colorado Utes and Jicarilla Apache are similar to the overall national rate of Indian arrests. Alcohol was blamed for over half of the cases.

Tables 8 to 12 are copied from Douglas C. Robinson, Area Special Officer, Gallup Area Office, U. S. Bureau of Indian Affairs, from a report on

the relationship of alcohol to the criminal activity of 23 tribes of southwestern American Indians, in 1958. Alcohol is given as a

Table 7
Rates of Juvenile Court Cases--by Tribe
(Base years are 1953 and/or 1954)
(From Hears on Indian Juvenile Delinquency Senate Committee on the Judiciary--1955)

San Carlos Apache (tribal court convictions, 1954)
80% of the juvenile cases (ages 14-18) were alcohol related
Jicarilla Apache (boarding and day school cases, 1953-1954)
13,922 per 100,000 juvenile population (those in school)
59% were alcohol related
Navaho (tribal court cases, July 1, 1953 through March, 1955)
120 per 100,000 juveniles, age 6-18
the "majority" were reported as alcohol related
Southern Ute and Ute Mountain Ute
18,908 per 100,000 juveniles, age 6-18
61% were alcohol related

Table 8

Branch of Law & Order -- United Pueblos Agency
Covering 18 Tribes of Pueblo Indians and 2 Navajo Communities
From Robinson, Gallup Area Office, 1958)
1957 Calendar Year

Offenses	Sex		Under the Influence of alcohol		
	Male	Female	Yes	No	Total
Murder	4	0	4	0	4
Manslaughter	3	0	2	1	3
Rape	4	0	0	4	4

	Sex		Under the Influence of Alcohol		
	Male	Female	Yes	No	Total
Assault with intent to kill	3	0	3	0	3
Arson	2	0	0	2	2
Burglary	16	0	13	3	16
Larceny	14	0	10	4	14
Robbery	11	0	8	3	11
Assault with a dangerous weapon	11	0	10	1	11
Embezzlement	0	0	0	0	0
Incest	0	0	0	0	0
Drunkenness	113	4	117	0	117
Disorderly Conduct	72	2	74	0	74
Family Offenses	35	9	26	18	44
Probation Violator	2	1	2	1	3
Liquor Violator	53	0	52	1	53
Contempt of Court	2	0	1	1	2
Assault	40	0	30	10	40
Suicide	5	0	5	0	5
Driving	18	0	18	0	18
Attempted suicide	5	1	4	2	6
Totals	413	17	379	51	430

Percent of Indians involved in Criminal Activity under influence of alcohol -- 92%

factor in 60 to 90 percent of the cases. Table 12 lists both Indian and non-Indian arrests for the year 1957 in the city of Gallup. Although the total shows 500 Indian to 340 non-Indian arrests, there were 230 non-alcoholic Indian offenses compared with 329 non-alcoholic arrests for non-Indians.

An analysis of the total traffic violations recorded for a five-year period, for everyone from a Colorado School District in an open and allotted reservation, shows the different ethnic rates of criminality to be similar to those established above. Table 13 shows that the rate of conviction for traffic violation of Indians was more than twice as high as the rate of Anglo-Americans and three times that of Spanish-Americans. Percentages, by ethnic group, of traffic violation related to use of alcohol varies also in the same proportion as the national rates: Anglo 4.2 percent; Spanish 7.6 percent; Indian 18.7 percent.

Table 9

Arrests, Branch of Law and Order
Jicarilla Apache Agency
(From Robinson, Gallup Area Office, 1958)

1956 Calendar Year:

Offense	Sex		Intoxicated		
	Male	Female	Yes	No	Total
Drunkenness	76	13	89	0	89
Disorderly Conduct	61	12	66	7	73
Family Offense	14	5	8	11	19
Probation Violator	15	2	15	2	17
Liquor Violator	24	2	11	15	26
Assaults	22	2	23	1	24
Driving	3	1	4	0	4
Totals	215	37	216	36	252

Percent of Indians involved in Criminal Activity under influence of alcohol -- 85%.

1957 Calendar Year to November 1, 1957

Offense	Sex		Intoxicated		
	Male	Female	Yes	No	Total
Drunkenness	115	21	136	0	136
Juveniles	10	2	12	0	12
Disorderly Conduct	82	20	91	11	102
Family Offenses	18	15	23	10	33
Probation Violator	39	4	31	12	43
Liquor Violations	20	8	13	15	28
Assault	17	1	10	8	18
Driving	8	00	6	2	8
Totals	309	71	322	58	380

Percent of Indians involved in Criminal Activity under influence of alcohol -- 84.8%

Table 10
1957 Major Crime Statistics as of December 9, 1957
Navajo Indian Reservation
(From Robinson, Gallup Area Office, 1958)

Offense	Subject		Subject Under Influence of Alcohol			
			Male		Female	
	Male	Female	Yes	No	Yes	No
Murder	8	0	13	0	0	0
Manslaughter	4	1	4	0	1	0
Rape	15	0	14	0	0	0
Assault with Intent to kill	0	0	0	0	0	0
Burglary	6	0	2	4	0	0
Arson	4	0	3	0	0	0
Larseny	4	1	1	3	1	0
Robbery	3	0	3	0	0	0
Assault with a Deadly weapon	41	1	36	2	0	1
Embezzlement	0	0	0	0	0	0
Incest	1	0	1	0	0	0

Extortion	1	0	0	0	0	0
Liquor Violation (possession)	2	0	2	0	0	0
Assault and Battery	4	0	4	0	0	0
	93	3	83	9	2	1

Total — 96 Subjects

85 under influence of alcohol = 88.5% under influence of alcohol

Table 11
Branch of Law & Order -- Southern Ute
(From Robinson, Gallup Area Office, 1958)

1956 Calendar Year

	Sex		Under the Influence of alcohol		
Offenses	Male	Female	Yes	No	Total
Drunkenness	10	4	14	0	14
Disorderly Conduct	34	17	46	5	51
Family Offenses	6	6	8	4	12
Probation Violator	2	1	3	0	3
Assaults	5	0	5	0	5
Driving	5	1	4	2	6
Contributing to Delinquency	3	0	3	0	3
Theft	2	0	0	2	2
Trespass	2	0	0	2	2
Totals	69	29	83	15	98

Percent of Indians involved in Criminal Activity under influence of alcohol -- 84%

1957 Calendar Year

	Sex		Under the Influence of alcohol		
Offenses	Male	Female	Yes	No	Total
Drunkenness	7	0	7	0	7
Disorderly Conduct	7	2	7	2	9
Assaults	2	0	2	0	2
Driving	2	0	1	1	2
Trespass	2	0	0	2	2
Totals	20	2	17	5	22

Percent of Indians involved in Criminal Activity under influence of alcohol -- 77.5%.

There was no tribal judge from January 25, 1957, to August 1, 1957, and the above figures do not represent all arrests for 1957.

TABLE 12

Juvenile Arrests--City of Gallup--1957
(From Robinson, Gallup Area Office, 1958)

Offense	Non-Indian	Indian	Alcohol	Percent
Disorderly Conduct	24	48	35	48.6
B & E	40	22	22	38.4
Drunk	9	263	272	100.0
Hit and Run	1	7	7	86.0
Larceny	33	28	2	3.2
School Calls	35	40	75	100.0
Assaults	11	2	12	93.0
Auto Theft	4	2	3	50.0
Concealed Weapon	5	0	1	20.0
Destruction of property	17	6	6	27.0
Sex Offenses	1	3	2	50.0
Drunk driving	2	7	9	100.0
Reckless Driving	54	9	24	38.0
Truancy	28	23	17	32.0
Runaways	76	40	23	20.0
Totals	340	500	510	60.3
Total		840		

TABLE 13
Total Convictions for Traffic Violations, 1956-1960, of Population of One Colorado School District by Ethnic Group
(Source: Colorado State Highway Department)

	Anglo-American	Spanish American	American Indian
Total Population	1,240	921	659
Total Offenses	190	119	251
Total Individuals Convicted	121	66	100
Convictions per Offender (over 5 years)	1.6	1.8	2.5
Ethnic Group Rate per 100,000 population	3,065	2,584	7,618
Percent Alcohol Connected	4.2	7.6	18.7

Table 14, calculated from Denver's Uniform Crime Report and the U. S. Census, both for 1960, indicates that the rate of arrests per 100,000 Indians in Denver is higher than the national rate of urban arrests of Indians. With an Indian population of 1,133 in 1960, there were 679 Indian arrests. If the Indians arrested were all arrested at once, then over half the Indian population would have been in jail. We know, however, that some individual Indians, like members of other groups, are often arrested several times. For another area I

Table 14
Rate of Arrests -- City of Denver, 1960 -- by Ethnic Group
(Taken from Uniform Crime Reports, City of Denver, 1960 and U. S. Census, Colorado, 1960)

	Population Total	Total Arrests	Rate Per 100,000 Population	No. of Arrests	Rate Per 100,000 Population	Percent of Total Arrests	No. of Arrests	Rate per 100,000 Population
Total	493,887	26,323	5,330	18,713	3,789	71	7,610	1,541
Whites	458,626	21,944	4,785	15,624	3,407	71	6,320	1,378
(Anglos	408,626	14,382	3,520	12,131	2,969	84	2,251	551)
(Spanish	50,000	7,562	15,124	3,493	6,989	46	4,069	8,135)
Negroes	30,251	3,659	12,095	1,091	3,606	30	2,568	8,489
Indians	1,133	679	59,929	581	51,280	86	98	8,649
Orientals (Chinese Japanese and Fillipinos)	3,609	41	1,136	17	471	41	24	665

know that the one person might be arrested as many as ten times in a year by the tribal police and then be convicted to spend time in the tribal jail ten times. Considering all arrests, the Indians in Denver have a crime rate several times greater than either the Negroes or Spanish-Americans (often called Mexicans). The rates per 100,000 are: Indian--59,929; Negro--12,095; Spanish-American--15,124. By contrast three times as many Orientals (ie., Japanese, Chinese, and Filipinos) in Denver, as Indians had the lowest rate of arrests of any groups, with 1,136 per 100,000 population with so-called Anglo-Americans having a rate of 4,785. For arrests in Denver not related to use of alcohol the Indians, the Negroes, and the Spanish-Americans have about the same rate.

In summary, the figures presented are consistent for all Indians of the nation, whether taken from the national Uniform Crime Report of the FBI or from the records of individual tribal courts. All law enforcement agencies dealing with Indians, whether Indian police and Indian judges hired by Tribal Councils to maintain law and order on Indian lands, or state and national agencies, like the FBI, have reported Indian criminality at rates much higher than the national averages and higher than those for other minority groups. Throughout the nation, on Indian reservations and in urban centers, Indians have been arrested and convicted for illegal acts while under the influence of liquor at rates several times higher than have individuals of other minority groups. Furthermore, Indians have a crime rate for non-alcohol

connected crimes higher than the national average and higher than any other minority group in the nation.

As an anthropologist who has studied the American Indian for thirty years, the conclusions expressed above come as a surprise and shock, and will be surprising to many others. Since the last of the Indian Wars about the turn of the century, the Indians have been thought of as a peaceful, inoffensive, weak people with some strange customs carried out on reservations in out-of-the-way sections of the nation. Indians have been called lazy, dirty, and drunken by white Americans convinced of their own innate superiority, but the adjectives lawless, illegal, criminal, or crooked have seldom if ever been used to characterize them.

The fact that the relative rate of crime of Indians has not been generally acknowledged may be only a result of their absolutely small proportion of the nation--only about a half million, scattered from coast to coast and border to border. The fact that the Indians are relatively more criminal and more intoxicated than any other American minority group does call for an explanation. Unfortunately no easy explanation appears in sight.

Officials and scientists in South Dakota sought answers to similar questions. Fifty pages of their hundred-page report are devoted to trying to explain the conditions which might account for the higher rate of Indian criminality in that state. Some of the possible contributing factors listed were:

---More Indian women than white women were arrested. (In July 1956, in one county it was 50 to 1).

---Indian offenders are younger and have less education than non-Indian offenders.

---Indian offenders are more frequently repeaters than non-Indians.

---Indians do not appear to try to avoid imprisonment as much as non-Indians.

---Most Indian arrests are made in urban centers, whereas most Indian homes are in rural areas; thus, it is not easy for Indians to "go home" when warned by police officers.

---Some officers and courts seem to discriminate against Indians.

---Indians commit offences while intoxicated; a larger proportion of Indians than non-Indians drink to excess.

In spite of the popular, man-in-the-street dependence upon so-called hereditary differences in rate to explain any and all apparent differences in inter-ethnic behavior, we must reject out-of-hand

reliance on racial factors to explain Indian criminality. Indian rates of arrests and conviction are much greater than their degree of racial distinctiveness. Furthermore, in gross physical features, the American Indian has been classified as Mongoloid; thus, if behavior were correlated with appearance, Indians should be most similar to the Orientals, i.e., the Chinese and Japanese in the United States. The Chinese and Japanese combined number more than the Indians; their actual numbers and their rates of arrests for all offenses, as well as their rates for alcohol-connected offenses are markedly lower than those for Indians. Thus the ethnic group most similar in size and appearance to American Indians is the one most distinct from the Indians in crime rates. It has the lowest rates of crime for all groups in America.

The usual social and cultural conditions which are found to contribute to dilinquent behavior in the general population, such as poor housing, broken homes, poverty, discrimination, segregation, lack of education, etc., operate among the Indians. These conditions might well account for Indian rates of criminality and excessive use of alcohol similar to other minority groups such as Spanish-American, Negroes, Puerto Ricans, etc. General social conditions of the Indians are not sufficiently distinct to account for the unusual rate of arrests connected with the use of alcohol.

I do not have the answer. It must be sought among the unique or unusual conditions to which the Indians have been subjected. If the reasons for the excessive use of alcohol among Indians could be understood, their excessive crime rate would be understood.

Indians alone have been subjected to selective prohibition against use of alcohol for over a century and a half. From the passage of the general Indian Intercourse Act of 1832 until 1953, it was illegal nationally for Indians to possess liquor in any form any place. Since 1953, most tribal councils, some states (i.e. Utah) and some local communities have continued to try to limit Indian drinking by law. Indians have never had the opportunity to learn the proper everyday, family, self-regulated use of alcoholic beverages. Even on the frontier where liquor was the much-prized basis for periodic celebrations, Indians could never legally drink from 1832 to 1953.

Indians are also unique in America for being that part of our population who for decades had received millions of dollars for sale of their lands, yet have never been allowed to manage their own affairs and spend their money as they saw fit. Although well intentioned for the welfare and protection of the Indians, the federal policy of wardship denied the Indians the opportunity to manage their own affairs. Not only have the Indians been subjected to external control of their own funds and lands, but that control has been often inconsistent, and even capricious. The inconsistency was expressed in the changing policies voted by Congress, the variety

allowed by various commissioners and different political administrations, and finally by the infinite shades of variation introduced by local reservation officials while applying the changing rules from Washington.

There is no obvious correlation between life on reservations and the excessive rate of arrests of Indians, mostly in urban centers near their rural homesteads. It is clear, however, that a century of schooling, missionary activity, and other organized effort to make the Indians into ordinary individualistic law-abiding citizens has been a failure. Much study and analysis will probably be required before the critical factors can be recognized. Inasmuch as the Indians have been closely managed for over a hundred years, I believe the policies and procedures of that management must be thoroughly evaluated. The American people and the federal government must assume the responsibility for the sad state of affairs among Indians insofar as their high rate of arrests and convictions are concerned.

Omer C. Stewart: Ph.D. University of California at Berkeley, 1939: Social Science Research Council, post-doctoral fellowship, 1940-41. Professor of Anthropology, University of Colorado, Boulder, 1950-. Chairman Department of Anthropology. Author of many papers and articles dealing with American Indian cultures.